

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MARK JAMES WILSON,

Case No. 6:11-cv-6105-TC

Plaintiff,

ORDER

v.

CANDACE E. WHEELER, et al.,

Defendants.

Aiken, Chief Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned case on May 2, 2012. Magistrate Judge Coffin recommends that defendants' motion to dismiss be granted and the case dismissed with prejudice. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's

report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Plaintiff timely filed objections to the Findings and Recommendation. Upon de novo review, I find no error in Magistrate Judge Coffin's findings and analysis.

Plaintiff brought suit under 42 U.S.C. § 1983, alleging that numerous state employees violated his rights under the First, Fourth, Sixth, and Fourteenth Amendments and Ex Post Facto Clause of the Constitution during proceedings before the Board of Parole and Post-Prison Supervision (the Board). Plaintiff's allegations arise from the Board's decision to deny plaintiff eligibility for parole, and the Board's consideration of his refusal to cooperate with prosecutors in the retrial of his codefendant.

As explained by Magistrate Judge Coffin, I agree that defendants are immune from suit, either pursuant to Eleventh Amendment immunity, absolute immunity, or qualified immunity. Pearson v. Callahan, 555 U.S. 223, 231 (2009); Buckley v. Fitzsimmons, 509 U.S. 259, 273 (1993); Will v. Mich. Dep't of State Police, 491 U.S. 58, 66, 71 (1989); Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 97-100 (1984); Lacey v. Maricopa Cnty., 649 F.3d 1118, 1127 (9th Cir. 2011); Brown v. Calf. Dep't of Corrections, 554 F.3d 747, 750-51 (9th Cir. 2009); Olson v. Idaho State Bd. of Medicine, 363 F.3d 916, 922 (9th Cir. 2004); Bly-Magee v. Calif., 236 F.3d 1014, 1018 (9th Cir. 2001).

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 92) filed May 2, 2012 is ADOPTED, defendants' Motion to Dismiss (doc. 59) is GRANTED, and this action is DISMISSED. The Clerk is directed to enter judgment accordingly. IT IS SO ORDERED.

Dated this 17th day of November, 2012.

A handwritten signature in black ink, appearing to read "Ann Aiken", written over a horizontal line.

Ann Aiken
United States District Judge